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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2152

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/823,769	Applicant(s) ANNADATA ET AL.	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Responsive to Amendment received September 19, 2005. Claims 2, 14, 20, 21, 33, 34, 47, and 48 have been amended. Claims 2-53 remain presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-14 and 21-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-14 and 21-46 recite the limitation “capable” which renders the claims vague and indefinite. Due to the use of the indefinite term “capable”, it is not clear whether the claimed features that follow the indefinite term are actually part of the scope of the invention claimed.

MPEP states that “The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

(A) statements of intended use or field of use,

(B) “adapted to” or “adapted for” clauses,

(C) “wherein” clauses, or

(D) “whereby” clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.”

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Wagner (U.S. Patent No. 6,092,102).

5. As per claim 2, Wagner teach an apparatus for communicating using a communication channel comprising:

a configurable communication server capable of handling a communication with the communication channel by virtue of being capable of accessing information regarding the communication (**column 9, lines 9-38, element 124 in Figure 3**), wherein

the configurable communication server is capable of handling the communication by virtue of being capable of receiving the communication from the communication channel and sending the communication to the communication channel (**element 125 in Figure 3, column**

14, lines 39-46; the communication channel has the capability to send and receive a communication).

6. As per claim 3, Wagner teach an apparatus wherein

the communication is a command issued to the communication channel and the being capable of accessing the information comprises being capable of accessing information regarding the command **(column 9, lines 9-38, column 3, lines 30-56, column 4, lines 35-50; accessing information regarding the event/message).**

7. As per claim 4, Wagner teach an apparatus wherein the communication is an event received from the communication channel; and the being capable of accessing the information comprises being capable of accessing information regarding the event **(column 9, lines 9-38, column 3, lines 30-56, column 4, lines 35-50; accessing information regarding the event/message).**

8. As per claim 5, Wagner teach an apparatus comprising:

a database comprising an event record, wherein the event record comprises the information regarding the event **(column 3, lines 47-63, column 4, lines 35-67, column 9, lines 18-35, column 11, lines 32-45).**

9. As per claim 6, Wagner teach an apparatus wherein the configurable communication server is configured by performing one of adding the event record to the database, modifying the event

record in the database, and deleting the event record from the database (**abstract, column 3, lines 35-64, column 4, lines 40-60**).

10. As per claim 7, Wagner teach an apparatus comprising:
at least one event handler (**column 9, lines 9-38, Figures 1-2**) and
wherein the event record comprises a name of one event handler of the at least one event handler for handling the event (**column 3, lines 47-63, column 4, lines 35-67, column 9, lines 18-35, column 11, lines 32-45**) and
the configurable communication server uses the one event handler named in the event record for handling the event (**column 9, lines 9-38**).

11. As per claim 8, Wagner teach an apparatus wherein
the database further comprises an event response record associated with the event record;
and the configurable communication server is further capable of performing an event response by virtue of being capable of determining the event response by accessing the event response record associated with the event record (**column 9, lines 9-38, column 3, lines 34-64, abstract**).

12. As per claim 9, Wagner teach an apparatus wherein
the information regarding the event further comprises information regarding an event response to the event; and the configurable communication server is further capable of performing the event response (**column 9, lines 9-38, column 3, lines 34-64, abstract**).

13. As per claim 10, Wagner teach an apparatus wherein

the configurable communication server is capable of being coupled to a channel driver and the channel driver is coupled to the communication channel such that the channel driver performs the communication with the communication channel **(the use of drivers are well known in the art and are inherent when using multiple communication channels that each use different protocols. The use of drivers would free the operating system from the burden of having to understand and support the needs of individual channels. See Figures 1 and 3, column 9, lines 15-38).**

14. As per claim 11, Wagner teach an apparatus wherein

the configurable communication server is coupled to the channel driver such that the configurable communication server receives an event from the communication channel via the channel driver **(the use of drivers are well known in the art and are inherent when using multiple communication channels that each use different protocols. The use of drivers would free the operating system from the burden of having to understand and support the needs of individual channels. See Figures 1 and 3, column 9, lines 15-38).**

15. As per claim 12, Wagner teach an apparatus comprising:

a user interface comprising a user interface object capable of providing a notification of the communication, wherein the communication corresponds to receiving an event from the communication channel **(column 6, lines 45-56, column 8, lines 8-22, column 9, lines 9-38).**

16. As per claim 13, Wagner teach an apparatus comprising:
a user interface comprising a user interface object capable of being activated, wherein the configurable communication server is capable of sending a communication to the communication channel when the user interface object is activated (**column 6, lines 45-56, column 8, lines 8-22, column 9, lines 9-52**).
17. As per claim 14, Wagner teach an apparatus wherein:
the configurable communication server is capable of sending the communication by virtue of being capable of issuing a command to the communication channel (**column 9, lines 9-38, element 124 in Figure 3**).
18. As per claims 15-53, these claims contain similar limitations as claims 1-14 above, therefore are rejected under the same rationale.

Response to Arguments

19. Applicant's arguments filed September 19, 2005 have been fully considered but they are not persuasive.
- In the remarks, the Applicant argues in substance that Wagner fails to teach *receiving* a communication from the communication channel and that the communication channels of Wagner only support outgoing communication.
 - In response, the Examiner respectfully disagrees. The communication channels of Wagner have the capability to send and receive communication messages. The server can send communication messages to the intended users using the communication channels

and can also receive messages such as acknowledgment messages from these intended users. Therefore Wagner meets the scope of the claimed limitation. (see figure 3, column 14, lines 39-46).

Applicant is reminded that “USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2152

RR *RR*
December 5, 2005


BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER